

01
02
03
04
05
06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR01-362-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 JOHN SZYMCZAK,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
13

14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on April 27, 2009. The United States was represented by AUSA Susan Roe and the defendant
16 by Carol Koller. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about February 8, 2002 by the Honorable Marsha
18 J. Pechman on a charge of Armed Bank Robbery (3 counts), and sentenced to 70 months custody,
19 five years supervised release. (Dkt. 26)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant be prohibited from possessing a firearm, submit to mandatory drug
22 testing, participate in a substance abuse program, submit to search, participate in a mental health

01 program, pay restitution in the amount of \$8,453.01, provide access to financial information, and
02 be prohibited from incurring new credit obligations or lines of credit without permission.

03 On March 23, 2007, defendant admitted violating the conditions of supervised release by
04 failing to satisfactorily participate in a residential reentry program, using methamphetamine,
05 failing to follow the instructions of the probation officer, failing to report to the probation officer,
06 and failing to submit to urinalysis testing. (Dkt. 31.) A sentence of sixty days was imposed, he
07 was required to participate in a residential reentry center program for up to 180 days, and
08 supervised release of 33 months was reimposed. (Dkt. 36.)

09 In an application dated July 17, 2009 (Dkt. 37), U.S. Probation Officer Christopher S.
10 Luscher alleged the following violations of the conditions of supervised release:

11 1. Failing to satisfactorily participate in a residential reentry center program, as of
12 July 13, 2007, in violation of the special condition that he reside in and satisfactorily participate
13 in a residential reentry program as a condition of supervision for up to 180 days.

14 2. Failing to report to the probation officer as directed, on July 13, 2007, in violation
15 of standard condition No. 2.

16 3. Failing to submit to urinalysis testing, on June 13, 25, 26 and July 12, 2007, in
17 violation of the special condition requiring him to submit to testing to determine if he has
18 reverted to the use of drugs or alcohol.

19 Defendant was advised in full as to those charges and as to his constitutional rights.

20 Defendant admitted the alleged violations and waived any evidentiary hearing as to
21 whether they occurred.

22 I therefore recommend the Court find defendant violated his supervised release as

01 alleged, and that the Court conduct a hearing limited to the issue of disposition. The next
02 hearing will be set before Judge Pechman.

03 Pending a final determination by the Court, defendant has been detained.

04 DATED this 27th day of April, 2009.

05 

06 Mary Alice Theiler
07 United States Magistrate Judge

08 cc: District Judge: Honorable Marsha J. Pechman
09 AUSA: Susan Roe
10 Defendant's attorney: Carol Koller
11 Probation officer: Christopher S. Luscher
12
13
14
15
16
17
18
19
20
21
22